



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,213	10/15/2003	Patrice Gautier	101-P287/P3158/US1	7257
67521	7590	10/25/2011		
TI Law Group				
2055 Junction Avenue, #205				
San Jose, CA 95131-2116				
EXAMINER				
SEE, CAROL A				
ART UNIT		PAPER NUMBER		
3693				
MAIL DATE		DELIVERY MODE		
10/25/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Correspondence

1. This correspondence is in response to Appellant's communication filed on 9/7/2011, Reply Brief and Request for Oral Hearing, noted and forwarded to the Board.
2. In response to Appellant's Reply Brief of July 7, 2011, Examiner submits the following responses to Appellant's supplemental arguments:

Appellant argues (pg. 1) that Examiner has provided new reasoning on pages 20-43 of Examiner's Answer.

Response: Examiner is unable to respond as Appellant has not presented specific statements regarding pages 20-43 regarding alleged new reasoning.

Re claims 1, 2, 4, 5, 6, 13, 56 and 63: Appellant's arguments are previously addressed in Examiner Answer (7/7/2011).

Re claims 3, 8, 9, 12, 14-25, 38 and 42-47: Appellant states (pg. 3) that Examiner refers back to the arguments made with respect to claim 1 and did not address these claims in the Examiner's answer.

Response: Appellant stated in Appeal Brief (4/20/2011) that these claims (directly or indirectly) depend from independent claim 1 and "thus, the arguments set forth above are equally applicable here." (see, e.g., pgs. 24, 31, 32) Examiner intended the response to mirror this language and to address the claims as such. Examiner addressed the claims as a group because of the similarity of Appellant's arguments for each claim. As Examiner had previously responded to arguments regarding claim 1, and Appellant did not present additional arguments, Examiner did not address these particular claims separately in the body of the reply, as was independent claim 1 from which they depend. Rather, the

claims were addressed as a group intending to indicate that previous arguments presented by Examiner (in Examiner Answer) for independent claim 1 were equally applicable to the dependent claims, similar to appellant's assertion that their previously set forth arguments regarding independent claim 1 were equally applicable to each of the cited dependent claims.

Re claim 11: Applicant argues (pgs. 2-3): The Examiner, on page 27, again simply cites col. 3, lines 35-36 and col. 4, lines 52-53 of Fleming as teaching claim 11. The Examiner's Answer contends that Fleming "shows where an account held by a recipient may be a debit card, which means that credit card information of the recipient would not be stored as the account may be a debit card, in which no credit card information of the recipient would be warranted." However, upon a closer reading of the citation, Fleming simply teaches: In another preferred embodiment of the invention, the child's account is a debit card account and the parent's account is a credit or debit card account. (Col. 3, lines 35-36). The system can be used to provide a mechanism for supervising credit or debit card usage. (Col. 4, lines 52-53)

Nowhere does Fleming teach or suggest what is asserted in the Examiner's Answer. Rather, the citation provided in the Examiner's Answer appears to support Applicants' Argument that credit card information would be stored with the user's account. Additionally, Applicants respectfully assert that the Examiner is improperly reading into the prior art what is not there. At best, it appears the Examiner's argument is based on inherency. However, "inherency ... and its obviousness are entirely different questions. That which may be inherent is not necessarily known. Obviousness cannot be predicated on what is unknown." (In re Sportsman, 363 F.2d 444, 448, 150 USPQ 449, 452, (CCPA 1966)). As such, Fleming does not teach or suggest "wherein credit card information of the recipient is not stored in association with the recipient account" as recited in claim 11.

Response: Examiner notes that claim 1 recites a recipient account, not being specifically credit or debit. Fleming identifies that an account may be a debit account in which case,

the limitations of claim 11 are met as information regarding a credit account of recipient is not stored, as the account may be a debit account.

Re claim 62: Appellant argues (pg. 4): The Examiner refers back to the arguments made with respect to claim 1 and did not address this claim in the Examiner's Answer. Accordingly, similar to claim 1, the rejection is unsupported by the art and as such, Applicants respectfully submits that the outstanding rejection of claim 62 must be reversed for this additional reason as well.

Response: Examiner notes this claim was addressed by referring to arguments for claim 1 because Appellant's arguments for claim 62 paralleled those for claim 1.

Re claim 64: Appellant argues (pg. 5): The Examiner refers back to the arguments made in the Final Office Action and did not specifically address this claim in the Examiner's Answer.

Response: Examiner notes this claim was addressed by referring to and reiterating arguments made in final office action.

Re claim 65: Appellant argues (pg. 5): The Examiner refers back to the arguments made with respect to claim 63 and did not address this claim in the Examiner's Answer. Accordingly, similar to claim 63, the rejection is unsupported by the art and as such, Applicants respectfully submits that the outstanding rejection of claim 65 must be reversed for this additional reason as well.

Response: As Appellant's arguments were similar to arguments for claim 63, Examiner notes that claim 65 was addressed by referring to previously stated arguments by the Examiner re claim 63 in Examiner Answer (pg. 41).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAROL SEE whose telephone number is (571)272-9742. The examiner can normally be reached on Monday - Thursday 6:45 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carol See/
Examiner, Art Unit 3693

/Rajesh Khattar/
Primary Examiner, Art Unit 3693